

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7692

Petition of Vermont Transco LLC, and Vermont)
Electric Power Company, Inc., for authority,)
pursuant to 30 V.S.A. § 248a, to install wireless)
communications facilities in the Town of Fairlee,)
Vermont, as part of a statewide radio project)

Order entered: 1/6/2011

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the petition filed by Vermont Transco LLC, and Vermont Electric Power Company, Inc. (collectively, "VELCO" or the "Petitioner"), pursuant to 30 V.S.A. § 248a, and the Board's Order implementing standards and procedures under this section ("Procedures Order")¹, and grants the Petitioner a certificate of public good ("CPG") authorizing the installation of communications facilities located in the Town of Fairlee, Vermont (the "Project"), as part of a statewide radio project.

II. BACKGROUND

This case involves a petition and prefiled testimony filed by the Petitioner on November 24, 2010, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the construction of the facilities identified above.

On December 15, 2010, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board issue a CPG for the Project without further evidence or hearings.

No other comments or requests for hearing regarding the Project have been filed with the Board.

1. Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a; Order issued August 14, 2009.

The Board has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project is part of VELCO's Statewide Radio Project ("SRP") that involves the creation of a private mobile communications network consisting of multiple wireless communications facilities. The facilities will be located throughout the state and are intended to improve worker safety and power outage recovery times by providing a means of communications among VELCO, utilities, and third-party contractors. Joint Panel pf. at 8.
2. The SRP's most important use will be during emergency situations, such as power outages, where a coordinated response among VELCO and distribution utility personnel is critical. The SRP will also be used for non-emergency work by providing coverage in areas that currently lack commercial wireless communications service. Joint Panel pf. at 8-9.
3. The Project facilities are proposed to be located at 3901 US Route 5 North, Fairlee, Vermont. Joint Panel pf. at 4.
4. The Project facilities involve an antenna co-location on an existing tower owned by SBA Towers II, LLC. Joint Panel pf. at 4.
5. The Project will not increase the height or width of the existing tower by more than twenty feet and will not involve earth disturbance in excess of 100 square feet. The Project facilities involve the installation of two directional antennas, each 4.5' by 4.5', at a height of 78' on the existing monopine telecommunications tower. The Project also involves the construction of a new equipment shelter, the installation of a propane storage tank, and associated operating equipment, within the existing 75' by 75' fenced compound. Joint Panel pf. at 4-5.
6. The Project will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 7 and 8, below.

7. The proposed co-location of facilities will not have an undue adverse aesthetic effect when viewed in the overall context of the existing telecommunications tower and equipment located at the site. Joint Panel pf. at 13; exh. JP-4.

8. There are no rare or irreplaceable natural areas or historic sites within the vicinity of the existing telecommunications tower site where the Project will be located. Joint Panel pf. at 13-15; exh JP-4.

IV. DISCUSSION & CONCLUSION

Pursuant to 30 V.S.A. § 248a(a):

Notwithstanding any other provision of law, if the applicant seeks approval for the construction or installation of telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the public service board under this section, which the board may grant if it finds that the facilities will promote the general good of the state consistent with subsection 202c(b) of this title. A single application may seek approval of one or more telecommunications facilities.

Pursuant to § 248a(j)(1), the Procedures Order defines a project of "limited size and scope" as a facility that:

(a) consists of an attachment to an existing structure that does not increase the height or width of the existing structure by more than twenty feet; or (b) does not exceed 135 feet in height and does not include road building or other earth disturbance exceeding 100 square feet, other than a temporary road or earth disturbance associated with construction or installation activities.

Further, pursuant to Section (L) of the Procedures Order, regarding projects of "limited size and scope":

Unless the Board determines that an application raises a substantial issue, it shall issue a final determination on an application within 45 days of its filing

The communications facilities included as part of the proposed Project will consist of an attachment to an existing telecommunications tower that does not increase the height or width of that structure by more than twenty feet and will involve only temporary and limited earth

disturbance associated with Project installation at the existing site. Therefore, the facilities qualify as facilities of "limited size and scope" as defined in the Board's Procedures Order governing the installation of wireless telecommunications facilities. The Procedures Order provides that the Board, in its review of facilities of "limited size and scope," conditionally waives all criteria under 30 V.S.A. § 248a(c)(1), with the exception of 10 V.S.A. § 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas).

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of communications facilities at the location specified in the above findings, by Vermont Transco LLC, and Vermont Electric Power Company, Inc., in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 6th day January, 2011.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: January 6, 2011

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.